



Office of Administrative Services  
Freedom of Information Act Office

November 10, 2014

Mr. Elliott Schoen  
Maryland Office of the Attorney General  
200 St. Paul Place - 19th floor  
Baltimore, MD 21202

Dear Mr. Schoen:

This is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA no. 2015-000004), dated October 1, 2014, in which you requested "disclosure of the non-exempt records and files regarding solicitation NCW-005-03-14-2013, for cafeteria services at SSA Wabash Avenue, Baltimore, Maryland. The bid submission date was May 15, 2013 (extended from original response date of May 3, 2013)." Specifically, the requested documents you requested are the following:

1. Source Selection Evaluation Board (SSEB) evaluation documents for solicitation;
2. Evaluation forms;
3. Past Performance assessment documents, including questionnaires;
4. Source Selection Plan;
5. All correspondence between GSA and bidders for the solicitation; and
6. All memos for the record related to this solicitation.

Your request for information is being granted in part and denied in part. GSA is releasing a copy of the solicitation documents and all amendments, which correspond to your request item #5. However, we are denying your request for items #1 through #4, a portion of #5, and item #6.

The denial for items #1 through #4, and bidder correspondence within #5 is pursuant to the third statutory exemption under FOIA 5 U.S.C. 552 (b)(3) which permits an agency to withhold documents that are "specifically exempt from disclosure by statute (other than section 552b of this title) provided that such statute (A) requires that the matter be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matter to be withheld".

The denial for item #6 is pursuant to the fifth statutory exemption under FOIA 5 U.S.C. 552 (b) (5) which permits an agency to withhold "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation

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with the agency". These documents fall within the scope of the fifth exemption as they are part of the deliberative process by which the decisions related to the proposed cafeteria services at the Wabash facility were made.

You have the right to appeal the denial of the records. To do so, you must write within 120 days of your receipt of this letter to the following address:

U.S. General Services Administration  
FOIA Requester Service Center (H1C)  
1800 F St. NW - Room 7308  
Washington, DC 20405.

Your appeal must be in writing and should contain a brief statement of the reasons why you believe GSA should release the requested information. Enclose a copy of your initial request and this denial. Both the appeal letter and envelope should be marked prominently, "Freedom of Information Act Appeal."

This completes our action on this request. Should you have any questions, please contact Doreen Waltrich at 215-446-4677 or by email at doreen.waltrich @gsa.gov.

Sincerely,

*Travis Lewis*

FOIA Program Manager

Enclosures